

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Certification under 37 CFR §1.10 (if applicable)**

**EV 336 040 526 US**  
Express Mail Label Number

**November 21, 2003**  
Date of Deposit

I hereby certify that this Transmittal Letter, enclosed application and any other documents referred to as enclosed herein, are being deposited in an envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date above and addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

**Lynnea B. Anderson**  
(Print Name of Person Mailing Application)

*Lynnea B. Anderson*  
Signature of Person Mailing Papers

**Transmittal of Continuation Patent Application**  
**for Filing Under 37 CFR §1.53(b)**

Mail Stop Patent Application  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir: Transmitted herewith for filing is a patent application by inventor: Patrick L. Iversen and entitled:

**ANTISENSE ANTIBACTERIAL METHOD AND COMPOSITION**

Enclosed are:

- ☒ One stamped, self-addressed postcard for PTO datestamp.
- ☒ Certificate of Express Mail.
- ☒ A Preliminary Amendment.
- ☒ A Request to Use Computer Readable Form of sequence listing from parent application Serial No. 09/726,774 filed 11/29/00.
- ☒ A paper copy of the sequence listing from parent application Serial No. 09/726,774 filed 11/29/00 with Matching Declaration.
- ☒ Copy of executed Declaration of Inventorship from parent application Serial No. 09/726,774 filed 11/29/00.
- ☒ One utility patent application containing text pages 51
- ☒ 11 Sheets of formal drawings.

2. Amendment

- ☒ Please enter the enclosed Preliminary Amendment before calculating the filing fee.
- ☐ Please cancel original claims \*\*, inclusive, before calculating the filing fee. (At least one original independent claim should be retained for filing purposes.)

3. Extension of Time

- ☐ A petition for extension of time has been filed in the parent to extend the pendency of the parent to \* (copy enclosed).
- ☒ Conditional Petition for Extension of Time: An Extension of Time is requested to provide for timely filing if required to establish copendency with the parent after all papers filed herewith have been considered.

4. U.S. Priority

- ☒ This application is a continuation of copending application Ser. No. 09/726, 774 filed November 29, 2000, now allowed, which claims benefit of U. S. Serial No. 60/168,150 filed on November 29, 1999, now abandoned.

5. Foreign Priority

- ☐ Priority of Application No. \* filed in \* on \* is claimed under 35 USC §119.  
☐ A certified copy of this priority document is enclosed.

6. Prior Documents Still In Effect

- ☒ This application and parent application Serial No. 09/726,774 filed November 29, 2000 are assigned of record to AVI BioPharma, Inc., as recorded in the U.S. Patent and Trademark Office at Reel 011708 and Frame 0750 on April 11, 2001.

7. Entity Status

- ☐ Large entity status applies to this application.  
☒ Small entity status is proper for this case.

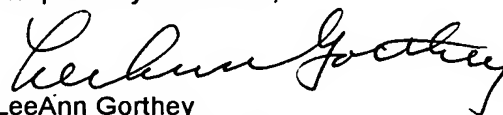
8. Fees

The filing fee has been calculated taking into account any amendments in section 2 above:

For:	(Col. 1) No. Filed	(Col. 2) No. Extra	Small Entity			Other Than a Small Entity	
			Rate	Fee		Rate	Fee
Basic Fee				\$385.00	or		\$770.00
Total Claims	34 - 20	14	14 x \$ 9 =	\$126.00	or	x \$ 18 =	\$
Independent Claims	3 - 3	0	0 x \$43 =	\$ 00.00	or	x \$ 86 =	\$
<input type="checkbox"/> Multiple Dependent Claim Presented			+ \$145 =	\$	or	+ \$290 =	\$
* If the difference in Col. 1 is less than zero, enter "0" in Col. 2.			TOTAL	\$511.00	or	TOTAL	\$

- ☒ Enclosed is a check in the amount of \$511.00 for the filing fee due.  
☒ The Commissioner is hereby authorized to charge any deficiency in fees under 37 CFR 1.16 and 1.17 to Deposit Account 50-2207.

Respectfully submitted,



LeeAnn Gorthey  
Registration No. 37,337

Date: Nov. 21, 2003

Correspondence Address:

Customer No. 22918  
Phone: 650 838-4403